

AGENDA BILL APPROVAL FORM

Agenda Subject: Resolution No. 4504		Date: July 15, 2009
Department: Finance	Attachments: Resolution No. 4504 & Exhibit "A"	Budget Impact:
Administrative Recommendation: City Council adopt Resolution No. 4504.		
Background Summary: Resolution No. 4504 authorizes the Mayor and the City Clerk to accept grant funds in the amount of Thirty Nine Thousand, Five Hundred Dollars (\$39,500.00) from the Washington State Department of Transportation Aviation Division as their 2 ½% match of funds for Phase II of the Taxiway Alterations and Improvements Project for the Auburn Municipal Airport. N0720-4 F5.2.15		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing __/__/__ Referred to _____ Until __/__/__ Tabled _____ Until __/__/__		
Councilmember: Backus		Staff: Coleman
Meeting Date: July 20, 2009		Item Number: VIII.B.2

RESOLUTION NO. 4504

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO ACCEPT GRANT FUNDS FROM THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AVIATION DIVISION IN THE AMOUNT OF THIRTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$39,500.00) WHICH REPRESENTS 2½% MATCH OF FUNDS NEEDED FOR PHASE II OF THE TAXIWAY ALTERATIONS AND IMPROVEMENTS PROJECT

WHEREAS, the Auburn Municipal Airport is in need of a parallel taxiway system and lighting improvements, and

WHEREAS, the Washington State Department of Transportation Aviation Division, has approved and offered grant funds to the City of Auburn in the amount of Thirty Nine Thousand Five Hundred Dollars (\$39,500.00), for Phase II of the Taxiway Alterations and Improvements project; and

WHEREAS, the Washington State Department of Transportation Aviation Division has submitted for execution by the City a Grant Agreement for Project Number AUB-01-09, which is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. **Purpose.** The Auburn City Council does hereby accept the Washington State Department of Transportation Aviation Divisions' offer of a grant in the amount of Thirty Nine Thousand Five Hundred Dollars (\$39,500.00), as its 2½% match of the funds needed to for the Taxiway Alterations and Improvements (Phase II).

Section 2. Implementation. The Mayor of the City of Auburn is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force upon passage and signatures hereon.

DATED and SIGNED THIS _____ DAY OF _____, 2009.

CITY OF AUBURN

ATTEST:

PETER B. LEWIS,
MAYOR

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Held,
City Attorney



**Washington State
Department of Transportation**

Grant Agreement Washington Airport Aid Program	Public Entity and Address City of Auburn 25 West Main Street Auburn, Washington 98001
Airport Name Auburn Municipal	
Maximum State Grant Obligation \$ \$39,500.00	

THIS AGREEMENT, made and entered into this 13th day of July, 2009, between the STATE OF WASHINGTON, acting by and through the Aviation Division, Department of Transportation, (hereinafter the "STATE") and the above named Public Entity, (hereinafter the "PUBLIC ENTITY").

WHEREAS, the Public Entity has submitted to the State for Subvention of the Washington Airport Aid Program for (acquisition and/or development) of the Auburn Municipal Airport together with the plans and specifications for such project, which project application has been approved by the State and is hereby incorporated herein and made a part hereof;

WHEREAS, the State has approved a project for development of the airport consisting of the following described airport development:

Project Number	Detailed Breakdown By Items
AUB-01-09	\$39,500.00 - Taxiway Alterations and Improvements (Phase II)

NOW, THEREFORE, pursuant to and for the purpose of carrying out the provisions of the State Act, and in consideration of the (a) Public Entity's adoption and ratification of the representations and assurances contained in said project application, and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the State of Washington and the public from the accomplishment of the project and the operation and maintenance of the airport as herein provided, the State hereby agrees to pay as its allowable costs incurred in accomplishing the project.

The terms and conditions of this grant agreement are as follows:

The maximum obligation of the State payable under this grant shall be 39,500.

The Public Entity shall:

1. Deposit in an Aviation Fund for said airport, at least \$ 39,500 to match the State's participation in said project.
2. Carry out and complete the project in accordance with the plans and specifications and property map, incorporated herein, as they may be revised or modified with the approval of the state.
3. In connection with the acquisition of real property for the project, the Public Entity shall secure at least two written appraisals by competent, experienced appraisers who are members of a recognized professional appraisal organization and shall not pay in excess of the highest appraisal without the written consent of the state except as otherwise directed by a court of competent jurisdiction after contested trial and judgment not resulting from an agreement between the parties.

4. No state funds will be paid to the Public Entity in any case until it certifies in writing that it has Aviation Funds for said airport in an amount equal to the state's participation, or the amount designated in paragraph (1) above, which deposited amount will be used solely for the purpose in question.
5. The Public Entity agrees to hold said airport open to the flying public during the useful life of the facilities developed under this project; that no exclusive operating or use agreements shall be granted to any person, company, or corporation; that failure to abide by such agreement shall automatically obligate the immediate and full return of all State of Washington money expended in behalf of the project to the State of Washington with reasonable interest. Further, the Public Entity agrees to keep the facility open during the useful life of the project or for a stated term of years, whichever is longer, as determined by the Aviation Division.
6. The Public Entity will make no charge to the State or its agencies for a limited, but reasonable, amount of state agency use or for state activity in search and rescue. And, further, RCW 47.68 is followed to best serve the public.

The allowable cost of the project shall not include any cost determined by the State to be ineligible for consideration as to allowability.

The State reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Public Entity.

This offer shall expire and the State shall not be obligated to pay any part of the costs of the project unless this agreement has been accepted by the Public Entity on such subsequent date as are prescribed in writing by the State, in the approval letter for each project.

Except for those projects receiving both state and federal aid, the following inspection scheduled, and reporting system will be required:

- A. Inspection Schedule and Reporting system will vary for each project. Basically, the inspection schedule will be placed on a quarterly basis. On project taking less than three (3) months, the Public Entity will be required to make reports and be inspected on the following schedule:
 1. Public Entity project commencement date.
 2. Public Entity report project completion date and request final inspection.
 3. State will make final inspection and sign-off project as completed.
 4. State will arrange for audit of account in accordance with regularly scheduled audit program.
 - B. Projects taking over three (3) months will be set up on a quarterly inspection and progress report system. The Public Entity will be required to make reports and be inspected on the following schedule:
 1. Report project commencement date.
 2. Public Entity will make a three (3) months progress report. This will be a letter report giving percentage of project completed, fund expenditures to date, and short narrative of the project progress, problems encountered and plans for project completion.
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3. State will make quarterly project inspections and prepare the report of inspection. A copy of the report will be delivered to the Public Entity.
 4. Public Entity will make report of completion of project and request final inspection.
 5. State will make final inspection and sign-off as completed.
 6. State will arrange for audit of account in accordance with regularly scheduled audit program.

It should be made clear that a violation of any of the terms of the Grant Agreement will leave the State free to choose among one or more of the following remedies:

- A. The withholding of any future airport aid, and/or
- B. The return of grant funds awarded as an action for specific performance, and/or
- C. Enforcement of the commitment made by the applicant.

The Public Entity's acceptance of this offer and ratification and adoption of the project application incorporated herein shall be evidenced by execution of this instrument by the Public Entity, as hereafter provided, and said offer and acceptance shall comprise allocation agreement, constituting the obligation and rights of the State and the Public Entity with respect to the accomplishment of the project and the operation and maintenance of the airport. Such allocation agreement shall become effective upon the Public Entity's acceptance of this offer and shall remain in full force and effect throughout the useful life of the facilities developed under the project but in any event not to exceed twenty (20) years from the date of acceptance.

By: _____
Director, Aviation Division

The City of Auburn does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the project application and incorporated materials referred to in the foregoing offer and does hereby accept said offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this 13th day of July, 2009.

Name of Public Entity: City of Auburn

By: [Signature]

Title: Mayer



Washington State
Department of Transportation
Paula J. Hammond, P.E.
Secretary of Transportation

REC'D JUL 06 2009

Aviation Division
3704 172nd Street, Suite K2 / P.O. Box 3367
Arlington, Washington 98223
360-651-6300 / Fax 360-651-6319
TTY: 1-800-833-6388
www.wsdot.wa.gov

July 2, 2009

Ms. Shelley Coleman
Finance Director
25 West Main Street
Auburn, Washington 98001

Re: Airport Aid Approval / Auburn Municipal Airport / \$39,500.00

Dear Ms. Coleman:

Each year WSDOT's Local Airport Aid Grant Program provides crucial financial assistance to many of Washington State's public use airports to address pavement, safety, planning, maintenance, runway safety and security needs. We would like to take this opportunity to congratulate the City of Auburn on your Local Airport Aid grant award for:

➤ Taxiway Alterations and Improvements (Phase II)

This letter serves as official notification that the Washington State Department of Transportation (WSDOT) Aviation has allocated 2 ½% matching funds in the amount of \$39,500.00 for Phase II of the Taxiway Alterations and Improvements Project to the City of Auburn for the Auburn Municipal Airport.

If you accept this allocation you will be required to supply WSDOT Aviation with periodic copies of billings and costs for this project. Failure to supply these copies may slow down and possibly jeopardize your reimbursement. WSDOT Aviation must be able to review your records on this project at any time for future audit purposes.

WSDOT Aviation expects this project to be completed by September 30, 2009 as indicated on the submitted Airport Aid Application. Any modifications to this schedule will need to be submitted to WSDOT Aviation with an explanation and schedule revision. The Washington State Legislature has appropriated funding for WSDOT's Local Airport Aid Program for the 2009 – 2011 biennium ending on June 30, 2011. An airport's failure to complete a project in a timely manner affects funding of the entire Washington State aviation system.

Ms. Shelley Coleman
Auburn Municipal Airport
July 2, 2009
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WSDOT Aviation will provide the Auburn Municipal Airport with a sign upon completion of the project. WSDOT requires that this sign be posted in a highly visible location to announce the improvement project. The sign will convey what the project is meant to accomplish (e.g., runway rehabilitation), the funding source(s) (i.e., general aviation fuel fees), and which agencies funded the project.

The Secretary of Transportation, Washington State, may terminate this agreement at any time because of legal matters detrimental to the state or the local government, insufficient funds held by WSDOT Aviation to complete the project, or by mutual consent between the local government and WSDOT Aviation. WSDOT Aviation will be held responsible for the state's cost share of the project at the time of any such termination.

Please be advised that the airport must remain open for the expected life of the project, and exclusive use policies will not be tolerated.

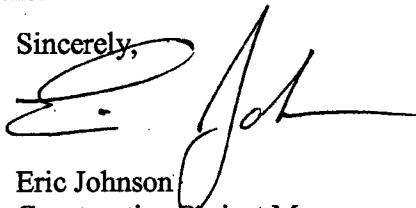
If you accept this allocation subject to the conditions stated, please complete the following steps:

- Have an official authorized by the governing agency to sign agreements, sign the original copy of this letter and verify the Federal Tax Identification on the line provided below.
- Complete all three copies of the enclosed Grant Agreement.
- Return all documents to WSDOT Aviation, P.O. Box 3367, Arlington, WA 98223.

The extra copy of the letter is for your files. We will review, sign and return a copy of the Grant Agreement to you. Upon receipt of the signed Grant Agreement, you may begin construction.

If the City of Auburn has not accepted this offer on or before July 17, 2009, the offer will expire and the State of Washington will not be obligated to pay any part of the costs of this project.

Sincerely,



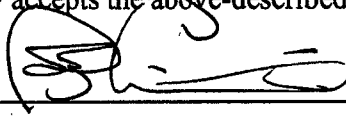
Eric Johnson
Construction Project Manager

Ms. Shelley Coleman
Auburn Municipal Airport
July 2, 2009
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Encl: Copy of Approval Letter
Three Grant Agreements

Cc: Governor Christine Gregoire
Congressman Adam Smith
Senator Claudia Kauffman
Representative Geoff Simpson
Representative Pat Sullivan
FAA, Seattle Airports District Office

City of Auburn hereby accepts the above-described allocation.

7/14/09	
DATE	SIGNATURE
FEDERAL TAX ID #	91-6001228 <u>SRL</u>